

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

CR 10-135-BLG-DWM-TJC

Plaintiff,

vs.

ORDER

JOSEPH DEAN LIRA,

Defendant.

On March 1, 2024, United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendations with respect to the disposition of the revocation proceedings stemming from the November 13, 2023 petition for revocation of Defendant Joseph Dean Lira's supervised release. (Docs. 246, 261.) The petition alleges two violations: (1) failing to attend group substance abuse treatment sessions on five occasions and (2) committing a traffic violation and being charged with assault with a weapon. (*See* Doc. 246.) At a final revocation hearing on February 29, 2024, Lira admitted all the allegations except the assault charge. (*See* Doc. 261 at 3.) The government subsequently moved dismiss the assault allegation. (*Id.*) Based on the admitted violations, Judge Cavan found that Lira committed the violations alleged in the petition and recommends that

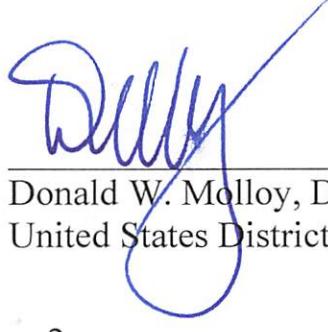
supervised release be revoked and that this Court sentence Lira to a custodial sentence of time served, followed by 57 months of supervised release. (*Id.* at 4.)

Neither party has filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court’s “full authority” to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Finding no clear error in Judge Cavan’s conclusion that the defendant violated the conditions of his release in the manner set forth in the petition, and that the defendant’s supervision should be revoked, the Court adopts those findings and recommendations. (See Doc. 261.)

Accordingly, IT IS ORDERED that Judge Cavan’s Findings and Recommendation, (Doc. 261), is ADOPTED IN FULL.

IT IS FURTHER ORDERED that the defendant’s supervised release is revoked. Judgment will be entered by separate document.

DATED this 25 day of March, 2024.


Donald W. Molloy, District Judge
United States District Court